

REMARKS

35 U.S.C. § 102 Rejections

The Examiner has rejected claims 1-7 under 35 U.S.C. § 102(b) as being anticipated by Ellis.

Claims 1-7 have been cancelled.

35 U.S.C. § 103 Rejections

The Examiner has rejected claims 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Ellis in view of Mogonye.

Claims 8 and 9 have been cancelled.

Ellis and Mogonye do not teach or suggest removing the footpiece from the sport board and attaching a removable sole to the footpiece.

Ellis teaches an improved foot piece for use with a surfboard type water craft that has a flat top surface (Abstract). Figure 1 illustrates a surfboard-type water craft 10 that has a fiber glass reinforced outer shell 11 and a flat top surface 12, as well as a fin 13 on the bottom side 14 of the craft (col. 4, line 62 – col. 5, line 2). The top surface 12 of the surfboard 10 is equipped with a plurality of elongated strips 16 that are spaced apart and suitably fixed to the top surface 12. Each strip 16 serves as a surface component in the structure of the surfboard 10 and has a multitude of small, closely spaced, flexible loop elements 19, as illustrated in Figure 4 (col. 5, lines 3-10). As illustrated in Figure 2 and 3, the foot piece 21 is made of rubber or other suitable flexible material and is adapted to receive a surfer's foot 22. The foot piece 21 has an outside surface 23 which

is equipped with a plurality of flat strips 24 that are suitably fixed to the outside surface 23 (col. 5, lines 45-53). Each strip 24 provides a flexible surface component in the structure of the foot piece 21 and includes a multitude of small, stiff, closely spaced and outwardly projecting linear elements 27. As illustrated in Figure 2, when the elongated strips 16 on the surfboard contact the strips 24 on the foot piece 21, the foot piece 21 becomes fixed to the surfboard 10. Ellis thus discloses removably attaching a foot piece to a surfboard. Specifically, Ellis does not teach or suggest removing the footpiece from the sport board and attaching a removable sole to the footpiece.

Mogonye teaches a safety shoe for use in working on slippery surfaces with an upper portion secured to a flexible rubber sole (Abstract). As illustrated in Figure 1, the shoe 10 has an upper portion 11 secured to a flexible rubber bottom or sole 12 by conventional means such as heat curing adhesives, or epoxy (col. 3, lines 46-49). One or more strips of a flexible fastener material 18 is secured to the bottom surface of the sole by means of suitable water resistive flexible adhesive or epoxy 19 (col. 3, lines 61-63). A preferred fastener strip 18 is formed of the hook element of the material commonly known as Velcro. A flexible sole pad 21 of a non-woven synthetic fibrous material is cut to the plan shape of the sole 12 (col. 4, lines 7-8). In use, the worker presses the replaceable sole pad 21 onto the fastener strip 20 on the bottom of the shoe 10 (col. 4, lines 31-33). The replaceable sole pad 21 maybe peeled from the bottom of the shoe 10 and replaced with a new replaceable sole pad. Mogonye thus teaches removably attaching a removable sole to a bottom of a shoe. Specifically, Mogonye does not teach

or suggest removing the footpiece from the sport board and attaching a removable sole to the footpiece.

Claims 18 and 26 include removing a footpiece from a sport board and attaching a removable sole to the footpiece. Specifically, claim 18 includes limitations "a second fastening element attached to the top surface of the sport board, the second fastening element shaped to cooperate with the first fastening element to removably affix the bottom surface of the footpiece to the top surface of the sport board" and "a third fastening element attached to the upper surface of the removable sole, the third fastening element shaped to cooperate with the first fastening element to removably affix the removable sole to the bottom surface of the footpiece." Claim 26 includes limitations "removing the bottom surface of the footpiece from the top surface of the sport board" and "removably affixing an upper surface of a removable sole to the bottom surface of the footpiece." Therefore, claims 18 and 26 are patentable over Ellis and Mogonye because claims 18 and 26 include limitations that are not taught or suggested by Ellis or Mogonye.

Claims 19-25 and 27-31 are dependent on either claim 18 or claim 26 and should be allowable for the same reasons as claims 18 and 26 stated above.

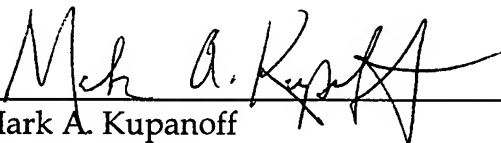
Applicant respectfully submits that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Mark A. Kupanoff at (408) 720-8300.

Pursuant to 37 C.F.R. 1.136(a)(3), applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: October 11, 2004


Mark A. Kupanoff

Reg. No. 55,349

Customer No. 008791
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1030
(408) 720-8300